

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RAYMOND BROWN,

Plaintiff,

v.

Case No. 07-14955

BLAINE LAFLER, et al.,

HONORABLE AVERN COHN

Defendants.

ORDER DENYING MOTION UNDER RULE 59(e) FOR RECONSIDERATION

I.

This is a pro se prisoner civil rights case under 42 U.S.C. § 1983. Plaintiff, an inmate in the custody of the Michigan Department of Corrections at Ryan Correctional Facility (RCF), claimed that defendants violated his Eighth Amendment right by failing to provide him with timely and adequate medical care following a slip and fall accident on prison grounds. The matter was referred to a magistrate judge for all pretrial proceedings. Defendants filed a motion for summary judgment. A magistrate judge issued a Report and Recommendation (MJRR) recommending that summary judgment be granted in favor of Defendants. Plaintiff filed objections. The Court overruled the objections, adopted the MJRR, granted defendants' motion for summary judgment, and dismissed. See Order filed February 10, 2010.

Before the Court is plaintiff's motion to alter or amend the judgment under Fed. R. Civ. P. 59(e). For the reasons that follow, the motion is DENIED.

II.

Although plaintiff brought his motion under Fed. R. Civ. P. 59(e), he requests reconsideration of the Court's February 10, 2010 order. Therefore, his motion is properly construed as a motion as a motion for reconsideration under E.D. Mich LR 7.1(g), which provides in relevant part:

Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by implication. The movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case.

Plaintiff fails to satisfy this standard. Plaintiff's motion presents the same arguments previously considered and rejected by the Court. There is no grounds for reconsideration, under either Local Rule 7.1(g) or Rule 59(e).¹

SO ORDERED.

Dated: March 10, 2010

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to Raymond Brown, 428924, Ryan Correctional Facility, 17600 Ryan Road, Detroit, MI 48212 and the attorneys of record on this date, March 10, 2010, by electronic and/or ordinary mail.

S/Julie Owens
Case Manager, (313) 234-5160

¹As stated by the Sixth Circuit, "[a] court may grant a Rule 59(e) motion to alter or amend if there is: (1) a clear error of law; (2) newly discovered evidence; (3) an intervening change in controlling law; or (4) a need to prevent manifest injustice." Intera Corp. v. Henderson, 428 F.3d 605, 620 (6th Cir. 2005).